



MINUTES
PLANNING AND ZONING COMMISSION
City of Missouri City
September 9, 2009

1. CALL TO ORDER

The Notice of Meeting and Agenda, having been duly posted in accordance with legal requirements and a quorum being present, the meeting was called to order by Chairman Ron Lee at approximately 7:04 p.m.

2. SWEARING IN OF NEW P&Z COMMISSIONER

Mr. Jeff Gaspar was sworn in last night at the City Council meeting.

In an introduction of himself Mr. Gaspar stated he has lived in Missouri City about 6 years and he has three kids. He has been the treasurer of his home owners' association for two years. He is an electrical engineer by education and has a Master's degree in Business. He works in the oil and gas industry and approaches everything from an analytical troubleshooting structured point of view looking at all those regulations. He said "work, family, and Missouri City is how I spend my time."

3. ROLL CALL

COMMISSIONERS IN ATTENDANCE:

STAFF:

| | |
|----------------------------------------|-----------------------------------------|
| Ron Lee, Chairman | Ornita Green, Director of Planning |
| Sonya Brown-Marshall, Vice Chairperson | Scott Elmer, Director of Public Works |
| Chris Connolly | Bob Graf, Economic Developer |
| Jeff Gaspar | Tim Kirwin, Assistant City Attorney |
| Len Goff, Jr. | Jennifer Thomas, AICP, Planner II |
| Timothy Haney | Travis Huff, Planner I |
| Bill McCrea | Yolanda Ford, Planner I |
| John O'Malley | Paul McKeever, Code Enforcement Officer |
| | Betty Collins, Administrative Assistant |

Commissioners absent:

Commissioner Hugh Brightwell

Council Members in attendance:

Councilmember Bobby Marshall, Councilmember Brett Kolaja

Others Present:

| | | | | |
|---------------|----------------|---------------|----------------|--------------|
| Jeff Anderson | James Brown | Eileen Dyer | Kim Houlette | Miles Vincin |
| Costa Bajjali | Ruy Castelan | Noe Escobar | Bill Odle | Stan Winter |
| David Bentley | Lisa Chahin | Chris Gruller | David Rivera | |
| Kenny Breiner | Leroy Cockrell | Kim Houlette | Rene Rodriguez | |

4. READING OF MINUTES

Motion: To approve the minutes as submitted.
Made by: Commissioner McCrea
Seconded: Commissioner Goff
Vote: 8-0

5. REPORTS

There were no reports made by the Chairman and Commissioners.

6. STAFF REPORTS

- (a) Ms. Ornita Green, Director of Planning, had no report.
- (b) Mr. Scott Elmer, Director of Public Works, had no report.

7. PUBLIC COMMENTS

No comments from the audience.

8. CONSENT AGENDA

- (a) Consideration of the approval of a preliminary plat for Sweetbriar @ Riverstone Section One.
- (b) Consideration of the approval of a final plat for Firestone.

Motion: Motion to approve the Consent Agenda.
Made by: Commissioner McCrea
Seconded by: Commissioner Haney
Vote: 8-0

9. CONSIDERATION OF THE APPROVAL OF A CONCEPTUAL PLAN FOR HILLWOOD DEVELOPMENT PROJECT (SIENNA SOUTH 1,2,3,4,5)

Ms. Yolanda Ford, Planner I, presented information on this project to the Commission: 109.55 acres – 268 lots located east of Sienna Parkway. Staff recommends approval for the conceptual plan consisting of Sections 1,2,3,4, & 5.

Ms. Lisa Chahin of Hillwood stepped to the podium to give a PowerPoint presentation. It detailed a general project overview.

Commissioner O'Malley: Is the density per acre in Phase I similar to the density per acre that Sienna had in their Phase I?

Ms. Chahin: I don't know exactly what they had in Phase I but it's comparable to what they're going to be developing except I think our lots are a little larger. 55' x 120' is the smallest lot that we have and the 65' x 125' and 75' x 130' (about 3 lots to the acre density).

Commissioner Haney: I have a question about Comment 8 on the Conceptual Plan – there was a comment about a variance on the center line radius. What is that?

Mr. Scott Elmer, Director of Public Works: The City has a requirement for a minimum horizontal radius on surface streets to be 450 ft. with some conditions that can go down to 300 ft. This is something that we implemented in 2004 due to a large number of issues with site distances to back fences and corner fences. Their particular layout does not have some of these same conditions and restrictions to go down to 300- 350 ft. center line radius. Its something that is still within AASHTEG as far as safe conditions for traffic. The reason we have the larger radius is because of site distance issues which do not seem to apply in this case. We would not have a problem approving this variance; we just need a more legible copy.

Motion: Motion to approve agenda item 9.

Made by: Commissioner Haney
Seconded by: Commissioner Connolly
Vote: 8-0

10. CONSIDERATION OF THE APPROVAL OF A PRELIMINARY PLAT FOR HILLWOOD DEVELOPMENT PROJECT (SIENNA SOUTH SECTION ONE)

Ms. Yolanda Ford presented information on this project to the Commission. Sienna South Section One - 37.12 acres – 45 lots. Staff recommends conditional approval.

Chairman Lee: The numbers on the application are off.

Ms. Ford: I think there may be an error and we will check with the applicant to correct that. On one of the preliminary staff reports we called out that they had misstated the amount of lots.

Motion: Motion to grant conditional approval for agenda item 10, with a verification of the number of lots being made.

Made by: Commissioner Haney
Seconded by: Commissioner McCrea
Vote: 8-0

11. CONSIDERATION OF THE APPROVAL OF A PRELIMINARY PLAT FOR HILLWOOD DEVELOPMENT PROJECT (SIENNA SOUTH SECTION TWO)

Ms. Yolanda Ford presented information on this project to the Commission: Sienna South Preliminary Plat Section Two – 13.193 acres – 46 lots. Staff recommends conditional approval and staff will also have them verify the number of lots.

Motion: Motion to grant conditional approval for agenda item 11, with a verification of the number of lots being made.

Made by: Commissioner Haney
Seconded by: Commissioner McCrea
Vote: 8-0

12. CONSIDERATION OF THE APPROVAL OF A PRELIMINARY PLAT FOR HILLWOOD DEVELOPMENT PROJECT (SIENNA SOUTH SECTION THREE)

Ms. Yolanda Ford presented information on this project to the Commission: Sienna South Preliminary Plat Section Three – 15.1908 acres – 60 lots. Staff recommends conditional approval and staff will also have them verify the number of lots.

Motion: Motion to grant conditional approval for agenda item 12, with a verification of the number of lots being made.

Made by: Commissioner Haney
Seconded by: Commissioner McCrea
Vote: 8-0

13. CONSIDERATION OF THE APPROVAL OF A PRELIMINARY PLAT FOR HILLWOOD DEVELOPMENT PROJECT (SIENNA SOUTH SECTION FOUR)

Ms. Yolanda Ford presented information on this project to the Commission: Sienna South Preliminary Plat Section Four – 16.887 acres – 36 lots. Staff recommends conditional approval and staff will also have them verify the number of lots.

Motion: Motion to grant conditional approval for agenda item 13, with a verification of the number of lots being made.

Made by: Commissioner Haney
Seconded by: Commissioner McCrea
Vote: 8-0

14. CONSIDERATION OF THE APPROVAL OF A PRELIMINARY PLAT FOR HILLWOOD DEVELOPMENT PROJECT (SIENNA SOUTH SECTION FIVE)

Ms. Yolanda Ford presented information on this project to the Commission: Sienna South Preliminary Plat Section Five – 26.556 acres – 81 lots. Staff recommends conditional approval and staff will also have them verify the number of lots.

Motion: Motion to grant conditional approval for agenda item 14, with a verification of the number of lots being made.

Made by: Commissioner Haney
Seconded by: Commissioner McCrea
Vote: 8-0

15. CONSIDERATION OF THE APPROVAL OF A PRELIMINARY PLAT FOR HILLWOOD DEVELOPMENT PROJECT SIENNA PARKWAY STREET DEDICATION (EXTENSION IN SIENNA SOUTH)

Mr. Travis Huff, Planner I, presented information on this project to the Commission: This is a street dedication in Sienna Parkway going from where Sienna Parkway is currently to FM 521. It is approximately 42.381 acres, no sections, no lots, and no blocks. Staff recommends approval.

Commissioner Haney: Comment No. 5 – you talk about the TIA on this – including intersection North Steep Bank Trace up to Hwy 6 – I’m not sure I understand why that comment is there for this particular section.

Mr. Scott Elmer: This development will be served both off FM 521 and Hwy 6 – retail shoppers, schools, and everything else will be heading north rather than down FM 521 and out of Fort Bend County so we need to know what impact this development will have on those intersections as well.

Motion: Motion to grant approval to agenda item 15.

Made by: Commissioner Haney

Seconded by: Commissioner McCrea

Vote: 8-0

16. CONSIDERATION OF THE APPROVAL OF A REVISED CONCEPTUAL PLAN FOR SIENNA VILLAGE OF SHIPMAN’S LANDING SECTION 25

Ms. Jennifer Thomas, AICP, presented this project to the Commission: If the Commission remembers, last month you conditionally approved the preliminary plat for the Partial Replat No. 2 and upon that review a condition was placed upon the applicant to provide a revised concept for the two sections that were contained in that area. This is the revised concept that contains both Partial Replat No. 1 and Partial Replat No. 2. This is the second concept that was done. The original concept was done in 2006. Staff recommends conditional approval on this plat.

Motion: Motion to grant conditional approval to agenda item 16, including verification of the numbers.

Made by: Commissioner Haney

Seconded by: Commissioner McCrea

Vote: 8-0

17. CONSIDERATION OF THE APPROVAL OF A FINAL PLAT FOR SIENNA VILLAGE OF SHIPMAN’S LANDING SECTION 25 – PARTIAL REPLAT NO. 2

Ms. Jennifer Thomas, AICP, presented this project to the Commission: This plat has gone through several changes in the last 3 years. The layout has changed several times and the applicant can provide details on those changes if they would like. For this particular replat, the change that has

taken place is that these two cul-de-sacs used to be a thru road that continued from the replat portion No. 1 into Replat No. 2. With this change they are cul-de-sacking those two so it's no longer a thru road. Based on that change they had to replat lots that were contained in Partial Replat No. 1 and that increased the number of lots that were contained in Partial Replat No. 2. There are 6 reserves. Staff recommends approval.

Motion: Motion to approve agenda item 17.
Made by: Commissioner Haney
Seconded by: Commissioner McCrea
Vote: 8-0

18. PUBLIC HEARING AND CONSIDERATION FOR A PLANNED DEVELOPMENT

- a) Public hearing to receive comments for or against a request by Phillip Pecord of Auto Zone on behalf of Michele Sergie to create a Planned Development District to locate an Auto Zone Retail Store which will deviate from City standards regarding parking, landscaping, and signage on a 1.028 acre tract of land current zoned LC-3, Retail District.

Mr. Travis Huff, Planner I, presented this project to the Commission: The applicants have requested 3 deviations for a 1.028 acre tract located adjacent to the Fort Bend Town Center. **1)** The applicants are seeking to have more parking spaces than would be currently allowed by City Ordinance. The City Ordinance allows for 29 parking spaces. They are requesting 44 spaces, about 65.9% more than is allowed by City Ordinance. Staff recommends disapproval for this request. **2)** The second deviation request is to have a monument sign that is not centered within the frame and that the top, bottom, and sides not be proportionate in length (illustration). Staff recommends disapproval for this request. **3)** The final deviation request is to have a sign constructed so that the bottom of the sign is 3'-6½" above the adjacent grade as shown in Exhibit C (illustration). That would be 2'-½" higher than the current Ordinance allows. Staff recommends disapproval for this request. Staff is recommending that they keep their LC-3 designation.

Mr. David Bentley, Auto Zone, stepped to the Podium: We submitted as a part of our application a brief explanation of why we need the excess parking. Our parking count is based off our projected sales. It is a unique argument. It's an intangible thing. We selected 9 stores in the area and looked at their projected sales and their present parking counts. What we are asking for is not out of line.

Commissioner Brown-Marshall: Do we take into account whatever type of study he is speaking about?

Ms. Ornita Green, Director of Planning: Our parking ratios are pulled from the Institute of Transportation Engineers. They provide the parking ratios from different types of businesses throughout the United States. I apologize if you provided a justification, but I did not see a justification in our application. There are several Auto Zone stores and similar type auto stores located throughout the City and granted, some of those were built prior to what our current standards are today. In looking at those stores, there is never a time of day – even during peak

travel hours – when that entire parking area is full. What we don't want to see happen is people out in the parking lot repairing their cars. We have not received anything in our office that would justify supporting the increase in parking spaces. As a reminder, cross access and parking is required through our Ordinance so there will be additional parking spaces that are available on either side. The Auto Zones and O'Reilly's that have come in recently have conformed to our standards and some that will be coming before you in the near future.

Mr. Bentley: I have the justification with me and I'd be happy to share it with you tonight. If we are not going to generate the sales we need, our folks don't want to spend the money on the store. That's the bottom line and we feel strongly about that. The justification we did provide is strong. That's what we do and we have historical information to back that up.

Commissioner Brown-Marshall: So you believe that at some given point you would fill 44 spaces at one time?

Mr. Bentley: At peak times, that would be the case. We have to take into consideration that a store with this type of sales volume has 6-8 employees and they each will drive. That drops the number of spaces to mid 30's.

Chairman Lee: I have seen the other Auto Zone on Texas Parkway and I've never seen a ton of cars over there. It seems to me if you can live with the 44 you can live with the 29.

Mr. Bentley: I've had that conversation with our folks and it was quite clear to me that the answer is "No, we won't build the store with only 29 spots."

Commissioner O'Malley: Most of the time you need a little elbow room when you park. I understand your point and I think there has to be some balance. I also understand Ornita's point that this is not a shop. As a neighbor to your store, I don't want your customers repairing their cars out in the parking lot. Safety alone should be enough. Isn't there some balance? I know we don't want to set a precedent that every auto store that comes to Missouri City wants to have excessive parking spaces, but don't we want to encourage more at the same time discouraging the fact that we don't want people to repair their vehicles. I am a business man too. We need every advantage we can get in today's economy. We don't want a municipality to hold back a business. "65%" sounds like a big number, but when you talk about the number of spaces, it's not that big of a number.

Ms. Green: That is surely within the privy of the Commission if they so decide to approve the request of the applicant. Also note that in addition to the parking spaces, there would be additional landscape requirements as well. I don't know if you all have looked at how that would enter into play with your numbers because that is going to eat more of your property. As a side note staff's recommendation is to disapprove but the Commission is surely within their bounds to make a different recommendation.

Commissioner Connolly: Let's be clear. If he does what he is supposed to do, the shrubs are going to block his sign?

Ms. Green: Ordinarily there is not a conflict. Based on the way the sign is situated on the tract, they have it going inward to the site. The gentleman's point is that 2/3 of the rear half would not be visible from those cars that are traveling on Hwy 6. The 18 inches does not affect that shrubbery. They could change the orientation of the sign. The landscaping that is required to be at the base of the sign is just flowering shrubs that grow a couple of inches.

PUBLIC HEARING:

Motion: Motion to close the Public Hearing
Made by: Commissioner Connolly
Seconded by: Commissioner Haney
Vote: 8-0

b) Consideration of the approval of a Final Report to City Council on item 18A above.

Motion: Motion to submit a positive recommendation to City Council for parking only (as stated in the application) on item 18A above.
Made by: Commissioner Connolly
Seconded by: Commissioner Haney
Vote: 8-0

19. PUBLIC HEARING AND CONSIDERATION FOR A PLANNED DEVELOPMENT

a) Public hearing to receive comments for or against a request by TBG Partners, Inc. on behalf of the WB Murphy Road Development LLC to rezone an approximate 20.85 acre tract of land from R-5, Townhouse Residential to PD, Planned Development District to locate a mixed use development to include assisted and independent living facilities as well as patio homes, commercial and medical pad sites.

Ms. Jennifer Thomas, AICP, presented this project to the Commission: This is a proposal for a Planned Development for 20.85 acres. The site is located at Hampton Drive and abuts Murphy Rd. The applicant is proposing a mixed use development that would include commercial, an area designated for memory care – nursing or hospice, they haven't determined exactly – and it would also include an area for 44 patio home lots, and an area for an assisted living unit that would be adjacent to the Oyster Creek area. The assisted living unit is planned to be a two-story unit with 78 beds. There will also be an independent living facility with access off Hampton Drive. It will be a three-story 70-unit facility. The applicant has indicated a development schedule with grading, paving and utilities for Phase I. They indicated a tentative schedule for Phase I which would include everything except the patio homes. They are looking at a development schedule that should conclude by first quarter 2010. Vertical development would be determined by the market for the commercial development and possibly for the memory care development. Phase II would include the patio home development. Ms. Thomas showed the elevation details for Hampton Pointe Manor (two-story facility with 78 beds), and proposed Residence @ Hampton

Pointe (three-story independent living facility). Staff is recommending LC-3 uses be designated for the tracts off FM 1092 (Murphy Rd). Staff is recommending R-5 uses for the area designated as patio homes. However, if patio homes are developed at this site then the applicant would adhere to R-4 standards from the Zoning Ordinance. Both the assisted living and the independent living facilities would be age restricted to 55+ years of age. **Deviations:** Increase in density, reduction in the allowable greenbelt (which is required), use of hardi plank, use of pre-finished aluminum finishes, the provision not to provide garages, an alternative color of brick, the use of asphalt shingles on the assisted living and independent living facilities, several deviations toward landscaping and alternative means to screen parking areas and buffers between the different uses in the development. **Language:** The language would be similar to what's in the report. The zoning right now is R-5 and we recommend keeping that as R-5. If the applicant wants to build or construct patio homes or anything consistent with the R-4 regulations, then all of the regulations of the R-4 district would apply. It would be required to be R-4 if they decide to build patio homes. They could not do patio homes to R-5 standards.

Ms. Green: The R-5 designation allows for any of the lesser residential density uses. They could develop to R-4 standards, R-3, R-2, and R-1.

Ms. Thomas: Staff is recommending approval or to pass the project forward with a positive recommendation and then a specific recommendation for each of the requested deviations listed in the staff report.

Mr. Costa Bajjali: We are developing this project under an entity called WB Murphy Road Development. We develop projects ranging from single family development, commercial development, mixed use projects including town centers, student housing facilities, and 17 assisted living facilities (with partners). When we began this project, we did a market study. We talked with several people in the Community, with several realtors, with seniors, and we based this on personal experience as well. We determined there is a need and gap there in a product that is designed for seniors as they age and start facing some of their life challenges that require them to change their lifestyle. The market study we did looked at demographics for both seniors and sons and daughters. I realize that a couple of applications were submitted for facilities that did not come through, including the OPUS facility and the Sunrise facility. It is not a market issue. It's a sign of the times as it relates to the financial markets' lending. We believe that the market is there and our current market study shows that there's a need for 500 beds to service the assisted living. Currently there are 226 beds available to service the needs within that 10-mile radius. We believe that this is a great project for seniors, and it is certainly a neighborhood friendly project that is designed to have very little traffic impact, very little needs and not a whole lot of services from the outside or from the City perspective.

Mr. Stan Winter-Planning Consultant with TBG Partners: This property is currently zoned R-5 which would allow for a medium density residential town home development with 10 units per acre resulting in over 200 units generating 1200 vehicle trips per day mostly oriented to Hampton Blvd. That is why we think this site lends itself well to this type of development to be more neighborhood-friendly anticipating that traffic will be the primary concern of the neighborhood. We are requesting your recommendation to permit this planned development to

facilitate the continuing care neighborhood. A component would be the assisted living center which is on 3.44 acres. It is a two-story masonry building with 78 beds anticipating 16 employees. According to the 8th Edition which is the latest edition of Trip Generation by the Institute of Transportation Engineers, this facility will only generate 2.74 trips per bed. What's most important about that is that the peak hour will not coincide with the peak hour of the adjacent streets because most of this traffic will be generated from the employees that come in on 1 of 3 shifts and from delivery vehicles and from visitors. A study that was performed on this type of facility indicates that only 5% of the residents own an automobile and those that do rarely use it. This facility will greatly reduce the number of trips generated on Hampton Drive. The independent living center which is to be built in association with the assisted living center is an age restricted residential development on 3.82 acres and 70 units on a three-story building. The trip generation rate for that facility is 3.48 trips per unit. So again, that's greatly reduced from what you would see in a normal residential development. These residents have independent lifestyles. They will drive but at a much reduced rate and their peak time will not coincide with the peak time on the adjacent streets.

Mr. Scott Elmer, Director of Public Works: That is not acceptable to the Engineering Dept. They have to consider this like all the other assisted living centers with no age restrictions and no reduction to traffic due to age restrictions.

Mr. Winter: That is correct and the traffic impact analysis that we submitted was not based on these numbers. The counts that I'm giving you tonight are based on similar facilities to give you a sense of the traffic that we anticipate to be generated. The planning we did in the design of our facilities is based on a much greater traffic count than we actually anticipate for this development. The patio homes section, we talk about transitional life styles. This plan presents a transitional land use from the non-residential commercial uses on Murphy Rd. transitioning to less and less intense uses so that the patio homes will create that buffer land use from the existing neighborhood. The patio homes will have less peak demand for the residents than the single family standard subdivision. The facilities will share common amenities and common open space. The plan was designed with a lot of attention paid to the existing trees that are on the site to promote a pedestrian connection from the patio homes along that tree corridor to that assisted living center where residents could take advantage of the dining facilities there. We will be submitting to the Parks Board a parks and open space plan at their meeting in October and propose that we have a 50% credit for private recreation on site and we will be paying cash in lieu of land for the remainder of our parkland requirement.

Commissioner Brown-Marshall: Has the parking plan been done?

Mr. Winter: We will submit a parking plan to staff before Council meeting. When I got that comment back I realized that the plan that we submitted mislabeled the number of parking spaces that are shown on the plan. I think that created a lot of confusion.

Commissioner Haney: The patio homes are not age restricted, is that right?

Mr. Winter: At this time, we have not committed to make it age restricted or not. It really depends on the market for that product.

Mr. Elmer: The only comment we have at this time is that the assisted living center cannot be converted to apartments or another use in the future is something that we would allow a reduction from our normal standards for traffic impact analysis. Everything else we require be considered as if it could be converted to its maximum use. We really hadn't seen a reduction in the standards when ITE started generating a reduction for elderly drivers and the number of trips. People are living longer and healthier nowadays. People aren't giving up their cars at 60 years of age. We don't find that as something that we accept.

PUBLIC HEARING

Mr. Leroy Cockrell, President of Thunderbird West Homeowners Association, stepped to the podium. He stated that Mr. Bajjali has been very good to work with. In their meeting, they were furnished with the aerial views and the presentation on the Hampton Pointe project. They had a lot of questions, and after each meeting he collected email addresses from the attendees and this process generated more questions/concerns of the citizens. There were 4 primary concerns: **1)** Cosmetic – the oaks located along Hampton Drive – they don't want any more of them to go away than have to. Their plan only shows one to be removed; Concern about the entrance. **2)** Deed restrictions: we are very interested in the patio home area and living by the same or similar rules as the other 16-17 subdivisions in Quail Valley do. He has provided Mr. Bajjali with copies of the new and improved deed restrictions for Quail Valley. **3)** Traffic: need him to reiterate the trip counts for each of the facilities. **4)** Traffic Light at FM 1092 - the backup at the light. The most common concern of all the residents is the town homes being age restricted at 50 – 55+. They would like to see that each of the households have at least one member 50+ years of age. **5)** Medical pad sites: They don't recall them mentioning this in their talks with us and would like for them to reiterate more on this subject.

Mr. Bajjali: We had a memory care facility that wanted to locate within this site but for lending reasons, they couldn't secure the credit and decided to put the project on hold. We anticipate them coming back and being a part of this development. As we wanted to move forward with this PD we wanted to make sure that we had them in mind but also had some flexibility in there. Is there some potential to put hospice in there, maybe a dialysis facility to help those who need that kind of service, and maybe a wellness center. That's what the medical pad sites refer to.

Mr. Winter: Trip Counts from the 8th Edition of Trip Generation by ITE:

Assisted living – $2.74 \text{ trips/bed} \times 78 \text{ beds} = 214 \text{ trips/day}$

Independent living – $3.48 \text{ trips/unit} \times 70 \text{ units} = 244 \text{ trips/day}$

Patio homes – $3.71 \text{ trips/lot} \times 44 \text{ lots} = 164 \text{ trips/day}$

The TIA that was submitted is the peak hour traffic:

Assisted living – 78 trips during peak hour

Independent living – 79 trips during peak hour

Patio homes – 71 trips during peak hour

In total, anticipating 622 trips and for comparison if developed as R-5 it would generate 1,208 trips per day. That is our comparison of the parking.

Mr. Elmer: That is not a valid comparison. You are using a reduced amount of trips for the independent living and as I stated before that is not acceptable to the City. You are telling the public a different number than is allowed by the City.

Ms. Kim Houlette – 3559 Duncaster - stepped to the podium to speak on behalf of some property owners. She had a petition that speaks against the rezoning. She visited the Duncaster, Oyster Cove, Pine Court, Hampton, and Ridgeview communities to collect signatures for the petition. **Excerpt:** “We, the undersigned owners of property and lease holders affected by the requested zoning change from R-5, Townhouse Residential to PD, Planned Development District, do hereby protest against any change of the Land development Code which would zone the above referenced property to any classification other than R-5 Townhouse residential district, as stated in the Missouri City, Texas zoning ordinance.” Ms. Houlette read the petition in its entirety and submitted a copy of the petition with signatures for the record. There were a total of 39 signatures collected and have been submitted to be included in the official minutes.

Mr. Miles Vincent – 3606 Ridgeview Drive: He stated that he has a potential problem with use of a memory care facility in that area. He has experience with relatives who had dementia or Alzheimer’s and they get out and they are mischievous He has a pool. His pool is set up to keep kids out. It is not set up to keep adults out. He lives right across from the site and is very concerned about having that kind of facility right across the street from him. He is concerned about what the City’s liability is and what his liability is if one of these the patients got out and drowned in his pool. Someone needs to look at that carefully. They mentioned a possible alternative use for that space. He has no problem with an alternative use but that needs to be factored into the traffic plan. Because of his location right across the street from their exit, he would like to see an age limitation on the town home center. Because they are talking about making changes to the plan, he is concerned about ambulances in and out of that area. He is not particularly against this project but would like to see some controls on it so that we really do get what is being advertised to get. Mr. Vincent’s stated that it was his understanding that it is not legal to have a neighborhood with only one entrance and exit.

Mr. Elmer: The Fire Code says that you require 2 entrances and exits if you have over 30 dwelling units. In the between 30-100 dwelling units, an esplanade boulevard 58 ft. wide would count as 2 entrances and exits.

Mr. Vincent: I would also like to see them include the golf cart traffic in the traffic impact analysis.

Mr. Elmer: For the Commission’s information, background traffic of all types is included in the impact analysis.

Mr. Kenny Breiner - 3434 Oyster Cover: The townhomes back up to my property. What type of barrier is going to be between their property and my property? I am concerned about the age

restrictions. I also have a pool in my backyard? What legality am I going to have if a kid enters my backyard and drowns? I would like to see the townhomes/patio homes be restricted to 55+ years and older. When it rains real bad it floods on Hampton. Flooding is a concern for me.

Mr. Elmer: Drainage is the easiest issue out here. Oyster Creek was widened back in the 1980's. This development would be required to drain directly to Oyster Creek and not to the storm sewer system on Hampton.

Motion: Motion to close the Public Hearing

Made by: Commissioner Brown-Marshall

Seconded by: Commissioner Goff

Commissioner McCrea: There is one thing I'd like to clarify: There is no age restriction on the town homes right now – correct?

Ms. Thomas: That is correct.

Commissioner McCrea: The other item is the people along Oyster Cove – there will be a fence along the patio homes property. From the meetings I attended, I understand that the standard fence would be a wooden fence. How high would the fence be?

Ms. Thomas: 8 feet.

Commissioner McCrea: I think there can be some development to make it more attractive and acceptable. I think a brick up so high and some fencing would help. Residents having a fence backing up against this – there will have to be some work done to make that into one continuous thing like they did with the Memorial Hermann project where they built the cement walls and eliminated the fences. I bring that up as a suggestion because you're butting up against a lot of neighbors.

Commissioner Gaspar: I like your plan here. When will there be a point of no return for you to determine when you can designate the patio homes as 50-55+? I can't see having it open to any age group or small families and then having your assisted living? How will you determine if and when that will occur?

Mr. Jeff Anderson, Architect on this project: Our goal is to market to the seniors in the Quail Valley community as our target market. When you age restrict a community, which we hope we never have to do, and I say that from the fact that we hope that people will see the patio home community as a transitional neighborhood and maybe have the opinion of I don't want to live next to an independent or assisted living facility – younger families – and the size of the houses are also going to dictate that its kind of hard for a family to get into 1800-2200 sq. ft. single story type houses being placed on that tract. The target market very early on through the marketing will be to the senior community which is rich in Quail Valley. There are only 44 available spots and we hope they go quickly. Once the demographics of a community start to be established it runs with the

flow. The realtors start to say “that’s a senior’s community, do you really want to be there?” Age restricting it could cause some future problems where you have empty lots because the total market doesn’t get there and you get a half-built to 2/3 built neighborhood. I have said that we will entertain that option if the City feels strongly about it. It may slow down the absorption of the product, but we’re willing to do that. Regarding the fencing, we will look into that along the common property line. We have a little constraint, that’s a utility easement that’s shared between both sets of properties right through there. If we can’t build directly on the property line with a brick fence that would be shared by both sides in the maintenance, we may not be able to bring that in because the utilities may be sitting on our side of the property line or on both sides. It could be a problem. We would like at a minimum, see brand new wood fencing all up and down to see the same character from one end to the other on the shared property lines. We’re committed to enhancing the fencing that would be built along Hampton Drive, along with landscaping because it is an important entrance to their community.

Commissioner Brown-Marshall: One gentleman expressed a concern about a person wondering into his pool area. Don’t they wear an ID band that can track their whereabouts?

Mr. Bajjali: The technology that’s available today not only track the residents in a high security facility that have to be built to standards, they can now track how many visits a nurse makes to a particular room because there is a level of care that they have to provide. The technology is there from a security perspective – alarms will go off if a particular bracelet leaves the facility.

Commissioner O’Malley: I want to thank each person that spoke, especially the young lady that got all the signatures. You’re the type of neighbor that I want to have. Your activism and compassion is compelling. We’ve seen a lot of projects come and go through this piece of property. If you were to take a balance sheet and look at the positives and the negatives to what it currently is zoned for and what they plan on developing now, we really are coming out ahead. There is one positive after another that they don’t have to ask our permission to do a lot of stuff as its zoned right now and we’re getting the benefit of them asking to do more on this planned development. I want to recognize that I’m hearing you, but this is a good deal for our neighborhood. That property can’t be empty forever. It’s just not realistic. Something is going to be built there. I hope that we get the benefit of this plan. I think this plan if its done right can help all of us and it can help the people that live there. I applaud your effort.

Vote: **8-0** (The vote to close the public hearing was delayed by discussion.)

b) Consideration of the approval of a Final Report to City Council on item 19a above.

Motion: Motion to submit a positive recommendation to City Council on item 19A above.

Made by: Commissioner Haney

Seconded by: Commissioner McCrea

Vote: **7-0**

Abstain: **Commissioner Connolly**

20. PUBLIC HEARING AND CONSIDERATION FOR A SPECIFIC USE PERMIT

- a) Public hearing to receive comments for or against a request by Margaret Pleasant on behalf of the Palmer Center LP for a Specific Use Permit to locate an adult day care center for senior citizens within a retail space located at 2651 Cartwright Road, Suite 1.

Ms. Jennifer Thomas presented this project to the Commission: This is a request for a Specific Use Permit for an adult day care to go into the shopping center at Cypress Point and Cartwright

Rd. The applicant is seeking to use the end cap lease space – about a 3300 sq. ft. space – for an adult day care. The applicant has indicated they will provide transportation to and from the center for the seniors who will be served. They would provide services for the seniors that would include: stress management, healthcare, and other personal services. Staff recommends a positive recommendation. The applicant is not present in the audience.

PUBLIC HEARING

Motion: Motion to close the Public Hearing

Made by: Commissioner Haney

Seconded by: Commissioner Brown-Marshall

Vote: 8-0

Question:

Commissioner O'Malley: What state agency regulates an adult day care?

Ms. Thomas: I think it's the Department of Aging that would provide the license for this type of service.

Mr. Tim Kirwin, Assistant City Attorney: It's DADS (Department of Aging and Disability Services that licenses for the state of Texas.

- b) Consideration of the approval of a Final Report to City Council on item 20a above.

Motion: Motion to submit a positive recommendation to City Council on item 20A above.

Made by: Commissioner Haney

Seconded by: Commissioner Goff

Vote: 8-0

13. ADJOURNED